

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

R.O. Brooks Freshwadda,

Plaintiff

v.

Nicholas Boutos, et al.,

Defendants

Case No. 2:23-cv-00880-CDS-DJA

**Notice of Intent to
Dismiss Under Local Rule 41-1**

Plaintiff R.O. Brooks Freshwadda initiated this civil rights action against defendants Nicholas Boutos, Kenneth Bourne, Genaro Howell, Tristy Cox, and Karen Flores-Lezama in June 2023. Compl., ECF No. 1. Because he applied to proceed *in forma pauperis*, United States Magistrate Judge Daniel J. Albregts screened Freshwadda's complaint and allowed the excessive force claims against Boutos and Bourne to proceed, but dismissed all claims against Howell, Cox, and Flores-Lezama. Order, ECF No. 7. On November 21, 2023, the defendants answered (ECF No. 14) and filed their certificate of interested parties in compliance with Local Rule 7.1-1 (ECF No. 16). There has been no activity in this matter since.

This district's Local Rules provide for dismissal of an action for want of prosecution:

All civil actions that have been pending in this Court for more than 270 days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution by the court sua sponte or on the motion of an attorney or pro se party.

LR 41-1. Further, it is within the inherent power and discretion of the court to sua sponte dismiss a civil case for lack of prosecution. Fed. R. Civ. P. 41(b). A plaintiff must prosecute their case with "reasonable diligence" to avoid dismissal pursuant to Rule 41(b). *Anderson v. Air W., Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). Here, because this case has laid dormant for well over a year, Freshwadda has failed to prosecute with reasonable diligence. Thus, this order serves as notice

1 that the complaint will be dismissed without prejudice and without further notice unless he
2 takes action by February 26, 2025.

3 Dated: February 5, 2025

4 
Cristina D. Silva
5 United States District Judge
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26